

viewpoint

## Transparent, accountable, legitimate, credible: NGO responses to scrutiny



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The 'accountability' question is a recurring theme for INTRAC. Over the years we've organised regular workshops and conferences on this topic, we've published reports, papers and books, and we've supported individual NGOs to develop and implement accountability systems. It's never far from the agenda, so why are we revisiting it now and what's new?

This edition of ONTRAC offers four different takes on accountability emerging from new research. The authors came together for a panel at a conference in the UK recently,<sup>1</sup> prompted by the following questions: Is there a decline in trust of development NGOs amongst beneficiaries, NGOs and donors? What are the challenges and obstacles in improving NGO accountability? Under pressure to demonstrate results, how are NGOs balancing upward and downward

accountability? How can NGO accountability mechanisms encourage critical reflection on the organisation's role in promoting societal transformation? How effective have accountability tools and mechanisms been in raising standards in the sector? How does accountability relate to the legitimacy and credibility of NGOs?

The many types of accountability can be roughly divide into: upwards accountability to donors (public or private, government or individual), downwards accountability (to beneficiaries, local partners or local stakeholders), horizontal accountability (towards other NGOs) and internal accountability (within the organisation itself). These forms can be grouped under an over-arching heading of *accountability of NGOs* towards somebody or something. However, many NGOs are also involved in pushing for

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### In this issue:

This issue of ONTRAC revisits the question of accountability within development. After an overview by Rachel Hayman, INTRAC's Head of Research, the following articles offer four different takes on accountability that are emerging from recent research.

First, Celestine Krösschell, from HELVETAS Swiss Intercooperation, outlines how the lines between downwards accountability and such social accountability projects can easily become blurred.

Sean Conlin, a development and evaluation consultant, then reflects on the interplay of accountability and credibility for NGOs, drawing on his experience of evaluating the Luxembourg Government's Framework Agreements with NGOs.

Angela Crack, from the University of Portsmouth, looks at the effectiveness of quality and accountability initiatives, drawing on a recent survey of practitioners from leading humanitarian and development INGOs.

Finally, Erla Thrandardottir, from the University of Manchester, offers a legitimacy framework for NGOs, which broadens questions of legitimacy beyond merely financial legitimacy to donors, to include questions of political legitimacy.

<sup>1</sup> Development Studies Association of UK and Ireland Annual Conference 2012, London, 3 November 2012 (see: [www.devstud.org.uk/events/conference/2012\\_dsa\\_annual\\_conference-46.html](http://www.devstud.org.uk/events/conference/2012_dsa_annual_conference-46.html))

*accountability for their beneficiaries*, namely through supporting and developing structures to enhance transparency and accountability between citizens and state bodies, between local people and duty-bearers. To muddy the waters further, as Celestine Krösschell shows in her article, the lines between downwards accountability and such social accountability projects can easily become blurred.

As INTRAC has been arguing in different ways over the past year and more, civil society globally is in a state of flux. In a changing geopolitical environment which is challenging dominant development agendas and in which new aid actors are coming to the fore, NGOs in particular seem to be coming under fire from lots of different angles – from beneficiaries, local partners, back-donors, the public, governments in developing countries, local civil society networks, and from academics.

This manifests itself in two key ways in relation to accountability. Firstly, under what is widely known as the ‘results agenda’, NGOs are called upon to demonstrate accountability (value for money) for their use of public and private resources, and to show more clearly the links between aid and development outcomes.

This is the tangible side of the story, captured in the results frameworks and accountability tools devised to link A with B and C, and in the attempts to improve transparency through public feedback loops and provision of easily-accessible information.

Secondly, less tangibly perhaps, we see a profound questioning about the credibility of NGOs as legitimate development actors able to bring about transformation in the lives of the people they are ultimately aiming (and claiming) to help. This goes much deeper than the

effectiveness of development interventions. It is about the fundamental issue of who NGOs represent and on whose behalf they speak. NGOs have long since fallen from the pedestal on which they were placed in the 1980s, as the viable alternative to the state, and as the ‘magic bullet’ destined to overcome development challenges.

The rise of new – often loosely formed – social movements, divorced from the professional structures of NGOs, challenges the role of traditional NGOs as a voice for global justice. Moreover, the space in which NGOs operate is being squeezed by alternative development actors, including private donors and private contractors. Many of these questions about accountability are equally applicable to these actors; the accountability chains may be different but the questions around legitimacy, credibility and transparency are similar.<sup>2</sup>

What is interesting, however, is to interrogate the response from NGOs. It is all good and well to critique the ‘do-gooders’, but there’s a somewhat hidden story that counters the critiques, namely that many NGOs could be put into a camp of ‘doing-betterers’.

Numerous NGOs and their supporting associations are devising intriguing systems, tools, methods and approaches to improve accountability, responding proactively, and not just reactively, to accountability challenges.

Examples include: NGOs beginning to publish their data in accordance with International Aid Transparency Initiative (IATI) standards; NGOs experimenting with new client satisfaction tools; NGO networks developing frameworks to help with organisational self-assessment;<sup>3</sup> and NGOs using evaluation frameworks in which partners are fully involved so that upwards accountability can enable downwards accountability at the same

time, including in hard-to-measure areas like human rights and governance.

The list of potential examples is very long. We are also seeing an increase in attempts to capture partner experiences and beneficiary voices in a more consistent and transparent way. The Keystone Partner Survey of 2010 is a widely-cited example of this.<sup>4</sup>

There are of course many questions about whether these tools can deliver more accountable and transparent organisations; and whether lessons are being extracted, learnt and shared that would change practices to render NGOs more legitimate and credible amongst those they work with and those who support them.

In a recent discussion around these issues within INTRAC’s NGO Research Forum, we began to question whether NGOs are over-complicating things with the design of complex systems and indicators for accountability. How feasible and useful are these for small organisations at the forefront of development activities? Simple things that would make NGOs more accountable to partners, such as listening, ensuring staff have time to interact with partners, and good communication, seem to be getting lost in complex systems. NGOs often know their weaknesses on this front; the challenge is to do something about it.

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<sup>2</sup> [www.intrac.org/pages/en/aid-architecture-trends.html](http://www.intrac.org/pages/en/aid-architecture-trends.html)

<sup>3</sup> See, for example: BOND Improve It Framework ([www.bond.org.uk/pages/improveit.html](http://www.bond.org.uk/pages/improveit.html)); NIDOS Effectiveness Toolkit ([www.effectiveness.nidos.org.uk](http://www.effectiveness.nidos.org.uk))

<sup>4</sup> Keystone Accountability (2011) ‘Keystone Performance Surveys. NGO Partner Survey 2010. Public Report’, January 2011. Available from: [www.keystoneaccountability.org/sites/default/files/Keystone%20partner%20survey%20Jan2011\\_0.pdf](http://www.keystoneaccountability.org/sites/default/files/Keystone%20partner%20survey%20Jan2011_0.pdf)

## Blurring the boundaries: Linking NGO accountability and social accountability

Although it may seem obvious that INGOs should be accountable for the impact of their programmes, accountability mechanisms can be difficult to implement in practice. There can be many reasons for this. First, INGOs work with a wide range of partners, including local NGOs and local governments, meaning they often deal with multiple accountabilities. These partners each have their own downward and upward accountability lines. However, all too often downward accountability mechanisms, i.e. towards the people, are weak or even absent.

Second, local women and men do not always trust the government, especially in fragile contexts, where public services may be poor and ordinary people are often excluded from decisions on public affairs. Third, marginalised men and women, who are excluded on grounds of gender, ethnicity, caste or age, are typically absent or not actively engaged in meetings integral to many downward accountability mechanisms. This raises the question, who is accountable to them?

These complexities have sometimes deterred staff, working with partners and the local population, to address the issue of accountability at all. However, there are existing tools and experiences that may help to promote both downward accountability and social accountability.

### Public Audit Practice

One such tool is the Public Audit Practice, which was introduced during the conflict in Nepal, to ensure transparency and inclusion and enabled continuation of the work in the villages. The Public Audit Practice conducts three public hearings at the beginning, during and at the end of a project, usually an infrastructure project such as a trail bridge or irrigation canal. During the first public hearing, a user committee is elected, ensuring that women and occupational caste (e.g. Dalits) are



User committee of a trailbridge in Nepal

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included. The user committee has the important task to organise and coordinate the project. The second public hearing brings people together to discuss progress, listen to any concerns, and solve any problems that may have occurred. The third public hearing presents the expenses made, and thereby completes the project. The Public Audit Practice started as a downward accountability tool of NGOs to be able to continue their work during the conflict, but is now part of the legislation in Nepal and local government is obliged to conduct it.

The tool has contributed towards transparency and accountability, as it opened up possibilities for local citizens to question, raise concerns and discuss their project. The public hearings also allow for corrective measures to be taken. However, it remains a challenge for women and other marginalised groups to actively participate in the meetings. The user committee tends to be dominated by the elite, who have better connections, are better educated,

more skilled, and are generally more confident. These same elites are important in facilitating contacts with local government officials and are therefore often integral to the success of projects, particularly as local government officials do not always participate in the public hearings. Consequently, while the tool is promising, in practice it requires careful facilitation so that all stakeholders are included.

### Know what accountability is in practical terms

The experience with the Public Audit Practice seems to suggest that downward accountability can be a means towards promoting social or public accountability. If citizens know what accountability is in practical terms, experience shows that they start claiming it from the local authorities. INGO downward accountability may then serve as an arena of practice; when local women and men have the opportunity to openly discuss their concerns and, at the same time,

understand better the roles and responsibilities of citizens and local government, trust can be built.

Furthermore, INGOs bring specific skills and knowledge, e.g. on public speaking, writing minutes, conducting meetings, but also on national legislation. Practicing downward accountability of the INGO and their partner organisations may thus help to promote social accountability, as the practice becomes part of a local democratic culture. However, it remains important to make special efforts to include marginalised women and men in these conversations, so that it does not become dominated by elites, but rather uses their skills and connections to make this discussion possible, to bring people together.

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HELNETAS Swiss Intercooperation, with assistance from IDS, conducted research in Bangladesh, Nepal and Mozambique on Accountability in Fragile Contexts. Three reports with research findings will be published soon on the IDS website. A synthesis and analysis of the research findings is forthcoming.

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# Do Framework Agreements threaten NGO

Relationships between government and NGOs have been under scrutiny ever since official development assistance increased in the 1990s. Now many governments are changing how they manage their funding relationships with NGOs; they are moving away from co-financing of development projects towards Framework Agreements with a small number of NGOs. While Framework Agreements offer advantages to both governments and NGOs, they also carry risks for NGOs, particularly regarding their independence and thus their credibility among supporters.

This article reflects on the interplay of accountability and credibility for NGOs, drawing on my experience of evaluating the Luxembourg Government's Framework Agreements with NGOs, organisations that traditionally have a high level of trust and support among the population.

## Luxembourg Government's support to NGOs

Luxembourg's population is supportive of international development; in 2011, more than 90% of the population felt that helping the poorest people in the world is important. There is also a diverse and thriving NGO community throughout Luxembourg and many people are active members of NGOs.

This support for development has helped the Government to sustain its ODA at 1% of GDP for several years. NGOs provide an important vehicle for the government to channel ODA funds. Luxembourg encourages NGOs to operate in priority countries by co-financing 75% of the project budget, while those projects outside priority countries receive 66.7%.

The Government aims to enhance the professionalism, effectiveness and accountability of NGOs. NGO projects attracting co-financing were often small and scattered across many countries, which reduced their effectiveness. Framework Agreements aim to support NGOs by enhancing professionalism and

accountability; promoting programme quality, efficiency and effectiveness; increasing organisational capacity; and improving coordination with government policies. They set out a priority development theme and a relatively generous budget over five years for the NGO to develop appropriate projects within this theme. By October 2008 the government had signed Framework Agreements with 15 Luxembourg NGOs.

In 2008-9 an evaluation team assessed the Framework Agreements by looking at the way they had operated in several NGOs. In particular, the assessment had to consider the extent of change in the Luxembourg partnership arrangements with the local NGOs and CSOs that had planned and managed the projects.

The evaluation team visited partners in Cape Verde, Haiti, India and South Africa. The results were positive: Framework Agreements had generally improved effectiveness and professionalism. In particular, they had encouraged improvements in predictability and flexibility of funding, capacity strengthening, project planning and monitoring, and concentration of effort on priority activities and good long-term partners.

## NGO credibility and accountability

The evaluation raised interesting and important issues relating to NGO credibility and accountability.

### 1. Trust in NGOs

Trust in NGOs remains relatively strong, having been generated and sustained through individual enthusiasm and community involvement. Perhaps trust is easier to sustain in a country with tight-knit community relations and close links between communities, NGOs, and government. The interaction between political influence from below and supportive government policy also appears to be important.

Trust is not just a contractual relationship based on regular monitoring

## credibility?

visits, logical frameworks and reporting formats, but is maintained through the intensity of relationships with partners at different levels, whether face to face or by email. Framework Agreements have not dented these relationships.

### 2. Challenges and obstacles for improving NGO accountability

More attention needs to be paid to the organisation and management of the institution as a whole. It is important to foster a culture of accountability rather than focusing on specific skills and tools. Formal accountability mechanisms to external actors and the mutual relations and informal mechanisms that come with community support overlap and reinforce each other in Luxembourg. Politicians may have had strong ties with development NGOs, appreciate their development activities and understand the constraints that Luxembourg NGOs face.

### 3. Resisting the capture of accountability by powerful stakeholders

Where there are several lines of accountability to different stakeholders, the likelihood of capture by one of these is reduced. In the case of India, the government of India and, for some NGO activities, the dioceses of the Catholic Church also had claims on accountability. Here, Luxembourg NGOs are often minority stakeholders in their partners' affairs, lines of accountability are not unilateral and vertical and there are diverse stakeholders. This dispersion of accountability creates space for NGOs to negotiate with their funders.

### 4. Accountability, legitimacy and credibility

To be accredited by the government NGOs have to display certain standards in financial management and accounting, and follow certain conventions. The challenge for international NGOs is to ensure that developing country partners also meet these financial management and

accounting requirements. Credibility among supporters is more significant than the formal accountability mechanisms with the Government. Credibility does not rest on having influence but rather on achieving results while maintaining trust relations with partners. These relations have sustained the support of people for development as a whole.

### Conclusion

We started with a concern about the relations between official donors and international NGOs and that co-option might undermine community support. The enhancements of NGO accountability to the donor do not appear to have dented the credibility of NGOs among supporters in Luxembourg, where support for development activities is strong.

It would be useful to consider how official aid and NGOs could work better in partnership, whether through Framework Agreements, co-financing or other forms of co-operation.

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## Quality and accountability initiatives: Fit for purpose?

A recent survey of practitioners from leading humanitarian and development INGOs has revealed that there are significant doubts in the sector about the effectiveness of quality and accountability initiatives.<sup>1</sup> Such initiatives emerged in the wake of the Rwandan genocide, when NGOs came under widespread attack for mismanagement, incompetence and poor accountability.

The Sphere Project, launched in 1997 by the International Red Cross and Red Crescent Movement and a consortium of NGOs, is undoubtedly the most well-known. Sphere publishes a Handbook which consists of a Humanitarian Charter and technical guidance on a range of minimum standards in humanitarian response.

These indicate the type of provision that affected populations have the right to expect from organisations that aim to assist them, regarding water supply, sanitation and hygiene promotion; food security and nutrition; shelter, settlement and non-food items; and health action. The Sphere Handbook has been translated into numerous languages, and has sold tens of thousands of copies around the world. Although it is only a voluntary code of conduct, it has been widely credited with promoting a 'rights-based' approach to accountability that has transformed perceptions of the nature of the responsibilities that NGOs incur in their relationships with affected communities.

### Robust system of regulation

The Humanitarian Accountability Partnership (HAP International),

<sup>1</sup> Crack, A. M. 2012. Reversing the Telescope: Evaluating NGO Peer-Regulation Initiatives. Presented at the Development Studies Association Conference, London, November 3.

established in 2003, provides a much more robust system of regulation. It was created as a response to a growing call for a compliance-oriented initiative that would provide firm grounds for donors and affected populations to have confidence in the integrity and competence of humanitarian organisations. It is a certification scheme, which requires NGOs to demonstrate high standards of performance and accountability before they are awarded the status of full membership.

The HAP Standard consists of six benchmarks regarding corporate commitments, staff competency, information-sharing, participation, complaints procedures and organisational learning. NGOs are asked to demonstrate their compliance with these standards by providing the minutes of meetings, allowing interviews with beneficiaries and staff-members, and permitting observation of their practice in the field.

The certificate expires after a three-year period, and NGOs have to submit to mid-term monitoring to verify that they are continuing to observe the Standard. They can have their certificate revoked if found to be in breach of the rules.

Leading figures within Sphere and HAP have conceded that little evidence exists of the effectiveness of these initiatives,<sup>2</sup> despite the fact that they have been widely adopted across the sector and employed in a huge variety of humanitarian crises. In order to address this gap in knowledge, a series of in-depth interviews were conducted with staff members with responsibility for accountability policy in leading humanitarian and development NGOs about the perceived effectiveness of HAP and Sphere. These provided a revealing insight into opinions in the

sector about the way in which NGO accountability is practised.

### Revealing insights

Nearly all of the respondents affirmed that Sphere and HAP had played a crucial role in encouraging their organisations and the wider sector to appreciate the rights of affected populations to hold NGOs to account, and the type of provision that they are entitled to expect. The interviewees also highly valued the opportunities that the initiatives provide for sharing learning and examples of good practice with counterparts from other organisations.

However, there was significant unease about the onerous reporting demands that NGOs are often compelled to satisfy through association with these initiatives. HAP was criticised for being too labour-intensive, time-consuming and bureaucratic. Some interviewees suggested that it can increase anxiety about providing a 'paper-trail', and divert attention and resources from activities that could more meaningfully contribute to accountability.

There were also misgivings about the applicability of HAP to INGOs with a decentralised system of governance, and/or work primarily through partners. These complex organisations face real challenges in promoting awareness of the Standard, much less synchronising a common approach and monitoring and assessing performance.

### Be responsive to the needs of communities

Sphere does not require NGOs to document their observance of the standards, but the guidelines have been variously incorporated into internal accountability frameworks, and in the reporting formats favoured by donors. Several interviewees were concerned that Sphere standards could have the

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unintended effect of fostering a 'tick-box', technocratic attitude to accountability if misused.

The indicators can be a very useful tool for practitioners who need pragmatic guidance about the type of assistance to provide in a humanitarian situation – for example, the Handbook stipulates that each person should be provided with 15 litres of water a day. However, several interviewees cautioned that accountability should not be reduced to technical observance of the indicators, particularly if geared to the need to report performance to donors rather than their suitability for the local context.

There was consensus amongst the interviewees that whilst the initiatives had made important strides in lifting the standards of quality and accountability amongst some organisations, they were not sufficient to deliver a meaningful attitudinal shift across the sector about the rights of affected populations. The vision of accountability that Sphere and HAP espouse will only become a reality if individuals at all levels of humanitarian response, from senior management to field-worker, truly value the need to be responsive to the needs and desires of people and communities.

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<sup>2</sup> ALNAP 2012. Meeting the Urban Challenge. 27th ALNAP Meeting, Chennai, India, 17-19 January 2012: Rapporteurs' Meeting Record. Available from [www.alnap.org/events/27th.aspx](http://www.alnap.org/events/27th.aspx)

## Why does the legitimacy of NGOs matter?

NGOs are often complemented for their work because they are perceived to help and speak up for those who are in need or disempowered. The praiseworthy missions of many NGOs make it difficult to be critical when it comes to questions about their legitimacy, since NGOs are often stepping up where those who perhaps ought to care or act are failing to do so.

However, those criticising NGOs have pointed out the uncomfortably close relationship NGOs have developed with their financial donors. This relationship has turned the criticism into an attack that shifts the focus onto questions about how NGOs claim legitimacy, particularly financial accountability to their donors but more importantly, about how to understand their political legitimacy. Political questions are often ignored, leading some to suggest that NGOs are not being honest in their reporting for fear of compromising their credibility with their donors.

Most literature on NGOs' legitimacy is concentrated on a specific type of legitimacy, namely financial accountability to donors. This has narrowed understandings of NGOs' legitimacy and all but removed politics from the equation. We need to bring the politics back in. To do this, I have used David Beetham's legitimacy criteria, outlined in *The Legitimation of Power* (1991), to develop a Beethamite legitimacy framework for NGOs. A Beethamite framework can give an account of the concept of legitimacy itself, rather than just reporting peoples' perceptions about it, and as such explain the normative structure and social construction of NGOs' legitimacy claims.

Legitimacy is about power and how power is legitimated. A Beethamite framework applied to NGOs explores how power is legitimated within NGOs. This enables one to discuss and criticise with more precision whom or what NGOs represent, with what authority they speak and the sources they use to create credibility. This in turn should help

clarify debates about the power relations NGOs have with their audience; whether donors, governments, supporters, members or those who are directly subjected to or affected by their power.

Beetham's legitimacy criteria are:

- Legitimacy derived from rules
- Legitimacy as justification of rules
- Legitimacy through expressed consent

In an NGO context, these criteria can be translated into the following questions:

- How do NGOs claim legal validity?
- How do NGOs justify their internal organisation of power?
- In what way does this affect NGOs' legitimacy claims?

Although appeal to rules can never provide more than a provisional ground for legitimacy they are the 'necessary first step'. The principle of national sovereignty (and rule of law) are dominant features in NGOs' legal legitimacy, although this is often ignored or taken for granted. In the UK NGOs can register as companies, charities or as both. Even if NGOs are active at the international level their legal legitimacy is still derived from their national registration based on the law of that country.

There are few options for NGOs to claim legal validity at the international level; apart from the Red Cross, all they have is various contracts with international institutions. This matters because this is where NGOs often come unstuck when it comes to legitimacy issues and their legitimacy is questioned. In a Beethamite framework this is the starting point, the 'necessary first step' and enables one to ask questions about why these rules? What makes them legitimate?

But how do NGOs justify their power? Beetham's second criterion is about how NGOs justify their legitimacy claims using authoritative sources. Legitimacy sources can be multiple, from religious teaching to scientific facts. The internal process of legitimation can help explain

how NGOs rules are justified, and the rules that underlie the decision-making authority in an NGO hierarchy. Identifying these can help us discuss how NGOs use their power more accurately. The sources of legitimacy can help explain how NGOs' aims and mission feed into their operation and how they are used to justify their claims. This includes the different roles of the national and international entities in justifying NGOs' legitimacy claims.

NGOs are comparatively small organisations that mainly seek to influence big decision-makers (governments, multilateral institutions, global corporations). Beetham's third criterion of consent is therefore mainly relevant in the sense of 'soft power'. If we look at three NGOs, Amnesty International, Greenpeace UK and Cafod, questions here might be: who is Amnesty International representing at the UN; their members or all those who adhere to the values of human rights as universal? In whose name (and with what authority) is Greenpeace UK speaking when it damages private property, such as the Kingsnorth Power Station; Greenpeace International or those whose property is threatened by global warming? And when Cafod introduces secular sources to justify its HIV policy that contradict its religious sources, can it legitimately do so as an agency of the Catholic Church in England and Wales?

A Beethamite framework brings these questions to the forefront. Being able to answer them with more precision and giving them the analytical depth they deserve one can contribute to the understanding of NGOs political legitimacy. This topic is too important to ignore in the emerging new political landscape, where NGOs' roles are increasing.

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**Monitoring and Evaluation (Foundation)**

25 February – 1 March 2013

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M&E is an essential component of international NGOs, NGOs and CSOs striving to continually improve their work and have greater accountability. This foundation course is designed to develop individuals' understanding of what M&E entails, why it is so vital, and how to do it well and in a participatory way. This course ensures that those who are new to M&E have a thorough understanding of M&E concepts and have built up the practical skills and the confidence needed to do M&E effectively. Participants will learn to use a range of M&E tools and activities that will help them improve accountability, learning and effectiveness of projects and programmes.

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International development and civil society organisations have been working to support the capacity development of their partners in a variety of ways. Some have chosen to develop specific partner capacity building programmes, whilst others are integrating this support into their ongoing sector or thematic programmes.

Whichever approach is taken, there is a need to ensure appropriate support provision by tailoring initiatives towards the specific characteristics and needs of the partners. This course will provide an opportunity for experienced practitioners to strengthen their expertise in the design and implementation of partner capacity building programmes.

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